



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Elazar Rabbani et al. )  
Serial No.: 09/439,594 ) Group Art Unit: 1637  
Filed: November 12, 1999 ) Examiner: Joyce Tung  
For: DETECTING THE PRESENCE OF SPECIFIC )  
TARGET NUCLEIC ACID SEQUENCES )  
THROUGH STEM-LOOP FORMATION )  
(AS PREVIOUSLY AMENDED) )

527 Madison Avenue, 9th Floor  
New York, NY 10022-4304  
March 27, 2003

FILED BY EXPRESS MAIL

Commissioner for Patents  
Washington, D.C. 20231      Box DAC

Attention: Office of Deputy Assistant Commissioner for Patents  
2121 Crystal Drive, Crystal Park 2 - Suite 913  
Arlington, Virginia 22202

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COMMUNICATION  
(DIRECTED TO APPLICANTS' MARCH 20, 2002 PETITION UNDER 37 C.F.R. § 1.137(b) TO  
REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION)

Dear Sirs:

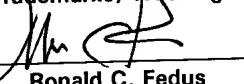
This Communication is directed to Applicants' Petition Under 37 C.F.R. § 1.137(b) that was previously filed on March 20, 2002.<sup>1</sup> A copy of their March 20, 2002 Petition is attached to this Communication as Exhibit A.

<sup>1</sup> A communication also directed to Applicants' March 20, 2002 Petition was previously filed on February 27, 2003. On March 27, 2003, an assistant to the undersigned attorney telephoned Group 1600 to obtain a status on this application. She was informed that the communication had been forwarded to a different group (Group 2600), apparently because the serial number was incorrectly listed on the first page of the communication as "08/439,594." The correct number, 09/439,594, was listed correctly, however, on all other pages. In order to expedite review of this matter, the undersigned is filing this new communication with the proper and correct serial number indicated on the first page. Any inconvenience caused by this oversight is regretted.

Elazar Rabbani et al.  
Serial No. 09/439,594

Filed: November 12, 1999

Page 2 [Communication (Directed To Applicants' March 20, 2002 Petition Under 37  
C.F.R. §1.137(b) to Revive An Unintentionally Abandoned Application)  
– March 27, 2003]

| EXPRESS MAIL CERTIFICATE  |                       |
|---|-----------------------|
| "Express Mail" Label No. <u>EV143234371US</u>   |                       |
| Deposit Date  | <u>March 27, 2003</u> |
| I hereby certify that this paper and the attachments<br>herein are being deposited with the United States Postal<br>Service "Express Mail Post Office to Addressee" service<br>under 37 CFR 1.10 on the date indicated above and is<br>addressed to the Commissioner of Patents and<br>Trademarks, Washington DC 20231. |                       |
|    | <u>MAR 27 2003</u>    |
| Ronald C. Fedus   | Date                  |
| Reg. No. 32,567   |                       |

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Elazar Rabbani et al.  
Serial No. 09/439,594  
Filed: November 12, 1999

Page 3 [Communication (Directed To Applicants' March 20, 2002 Petition Under 37 C.F.R. §1.137(b) to Revive An Unintentionally Abandoned Application)  
- March 27, 2003]

As shown in the attached Petition (Exhibit A), Applicants filed their Petition on March 20, 2002 to revive this application. The Petition included the following exhibits:

|   |           |
|---|-----------|
| Terminal Disclaimer   | Exhibit 1 |
| Amendment Under 37 C.F.R. §1.115<br>(In Response To The December 20, 2000<br>Office Action) | Exhibit 2 |

Also included in the copy of Applicants' March 20, 2002 Petition filing papers (Exhibit A) are the completed Express Mail Certificate Label No. EL 869104660US, the stamped and signed green return postcard, and the stamped white return postcard, the latter indicating that the Patent and Trademark Office received the papers on March 20, 2002.

In November 2002, the undersigned attorney's legal assistant telephoned Group 1600 to inquire as to the status of this application. The inquiry was prompted by the contemplated filing of several divisional applications that was carried out in the last couple of weeks in November 2002. His assistant was informed that this application was pending.

Since last year, and based upon the aforementioned telephone conversation, Applicants filed several divisional applications and they also filed several papers in connection with this application, including the following:

|   |                  |
|---|------------------|
| Information Disclosure Statement  | January 22, 2003 |
| Supplemental Amendment To<br>Applicants' March 20, 2002 Amendment<br>Under 37 C.F.R. §1.115 | January 28, 2003 |
| Second Information Disclosure Statement   | February 7, 2003 |

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Elazar Rabbani et al.  
Serial No. 09/439,594  
Filed: November 12, 1999

Page 4 [Communication (Directed To Applicants' March 20, 2002 Petition Under 37  
C.F.R. §1.137(b) to Revive An Unintentionally Abandoned Application)  
– March 27, 2003]

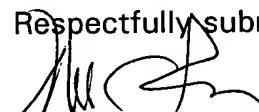
On this date, the undersigned telephoned Examiner Joyce Tung, Group Art Unit 1656 (Telephone 703-305-7112) to inquire about this application. He was informed by Examiner Tung that the PTO computer showed that this application was still abandoned and had not been revived. A follow-up call to the clerk of Group 1600 confirmed the abandonment status of this application.

In view of their March 20, 2002 Petition (Exhibit A), Applicants respectfully favorably action thereon so that further examination of this application can proceed.

No fee is believed due for this Communication, the sole purpose of which is to seek pending status for this application. In the event that any fee or fees are deemed due, however, The Patent and Trademark Office is hereby authorized to charge Deposit Account No. 05-1135 for any such fee(s), or to credit any overpayment thereto.

Favorable action on this Communication and Applicants' previously filed March 20, 2002 Petition is earnestly solicited.

Respectfully submitted,



Ronald C. Fedus  
Registration No. 32,567  
Attorney for Applicants

ENZO LIFE SCIENCES, INC.  
(formerly named Enzo Diagnostics, Inc.)  
c/o Enzo Biochem, Inc.  
527 Madison Avenue (9<sup>th</sup> Fl.)  
New York, New York 10022  
Telephone: (212) 583-0100  
Fax: (212) 583-0150

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|   |   |   |
|---|---|---|
| APPLICANT:  | ELAZAR RABBANI ET AL.   | <input checked="" type="checkbox"/> Express Mail Label No.<br>EL869104660US |
| TITLE: NOVEL SPECIFIC TARGET NUCLEIC ACID   |   | <input type="checkbox"/> First Class Mailing Date                           |
| DETECTION AND AMPLIFICATION PROCESSES, AND  |   |   |
| COMPOSITIONS USEFUL FOR PRODUCING ONE OR MORE   |   |   |
| ENCLOSED ARE: COPIES OF SPECIFIC TARGET NUCLEIC<br>ACID SEQUENCES   |   |   |
| <input type="checkbox"/> Application  | <input type="checkbox"/> Response to OA                           |   |
| <input type="checkbox"/> Declaration  | <input checked="" type="checkbox"/> Amendment UNDER 37 CFR §1.115 |   |
| <input type="checkbox"/> Drawings   | <input type="checkbox"/> Issue Fee                                |   |
| <input type="checkbox"/> Assignment   | <input checked="" type="checkbox"/> Other (see below)             |   |
| <input checked="" type="checkbox"/> PETITION UNDER 37 CFR §1.137(b) TO REVIVE<br>AN UNINTENTIONALLY ABANDONED APPLICATION |   |   |
| <input checked="" type="checkbox"/> TERMINAL DISCLAIMER   |   |   |
| <input checked="" type="checkbox"/> TRANSMITTAL   |   |   |

Serial No. ENZ-58(D1)

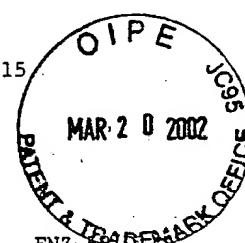
Docket No. 09/439,594

Please date stamp and return to addressee.

|   |   |   |
|---|---|---|
| APPLICANT:  | ELAZAR RABBANI ET AL.   | <input checked="" type="checkbox"/> Express Mail Label No.<br>EL869104660US |
| TITLE: NOVEL SPECIFIC TARGET NUCLEIC ACID   |   | <input type="checkbox"/> First Class Mailing Date                           |
| DETECTION AND AMPLIFICATION PROCESSES, AND  |   |   |
| COMPOSITIONS USEFUL FOR PRODUCING ONE OR MORE   |   |   |
| ENCLOSED ARE: COPIES OF SPECIFIC TARGET NUCLEIC<br>ACID SEQUENCES   |   |   |
| <input type="checkbox"/> Application  | <input type="checkbox"/> Response to OA                           |   |
| <input type="checkbox"/> Declaration  | <input checked="" type="checkbox"/> Amendment UNDER 37 CFR §1.115 |   |
| <input type="checkbox"/> Drawings   | <input type="checkbox"/> Issue Fee                                |   |
| <input type="checkbox"/> Assignment   | <input checked="" type="checkbox"/> Other (see below)             |   |
| <input checked="" type="checkbox"/> PETITION UNDER 37 CFR §1.137(b) TO REVIVE<br>AN UNINTENTIONALLY ABANDONED APPLICATION |   |   |
| <input checked="" type="checkbox"/> TERMINAL DISCLAIMER   |   |   |
| <input checked="" type="checkbox"/> TRANSMITTAL   |   |   |

Serial No. ENZ-58(D1)

Docket No. 09/439,594



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O I P E  
MAR 21 2003  
PATENT & TRADEMARK OFFICE  
U.S. DEPARTMENT OF COMMERCE  
JOYCE A. TUNG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Elazar Rabbani et al.  
Serial No. 09/439,594 Group Art Unit: 1656  
Filed: November 12, 1999 Ex'r: Joyce Tung

Title: NOVEL SPECIFIC TARGET NUCLEIC ACID DETECTION AND AMPLIFICATION PROCESSES, AND COMPOSITIONS USEFUL FOR PRODUCING ONE OR MORE COPIES OF SPECIFIC TARGET NUCLEIC ACID SEQUENCES

FILED BY EXPRESS MAIL

Honorable Commissioner of  
Patents and Trademarks  
Washington, D. C. 20231

Sir:

Transmitted herewith is an Amendment Under 37 C.F.R. §1.115 (In Response To The December 20, 2000 Office Action) in the above-identified patent application.

The claim fee\* has been calculated as shown below:

|       | CLAIMS<br>REMAINING<br>AFTER<br>AMENDMENT             |       | HIGHEST NUMBER<br>PREVIOUSLY PAID<br>FOR | PRESENT<br>EXTRA | RATE  | ADDITIONAL<br>FEE |
|-------|---|-------|--|------------------|-------|-------------------|
| Total | 121   | Minus | 59                                       | =62              | X 9   | \$558             |
| Indep | 3   | Minus | 10                                       | =0               | X 42  | \$ 0              |
| ( )   | First Presentation of<br>Multiple Dependent<br>Claims |       |  |                  | + 140 | \$ 0              |
|       | TOTAL<br>ADDITIONAL FEE                               |       |  |                  |       | \$558             |

\* Small entity status was previously established and is still applicable.

Charge Deposit Account No. 05-1135 in the amount of \$558.00.

A check in the amount of \$ \_\_\_\_\_ is attached.

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 05-1135 any filing fees under 37 C.F.R. §1.16 for the presentation of extra claims and any patent application processing fees under 37 C.F.R. §1.17.

Copies are being provided in triplicate.

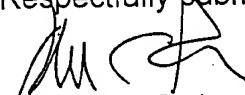
Enz-58(D1)

Elazar Rabbani et al.  
Serial No.: 09/439,594  
Filed: November 12, 1999  
Page 2 [Transmittal -- March 20, 2002]

Also enclosed:

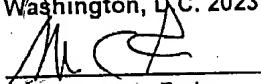
Petition To Revive An Unintentionally Abandoned  
Application Under C.F.R. §1.137(b) (With Exhibits 1-2)

Respectfully submitted,

  
Ronald C. Fedus  
Registration No. 32,567  
Attorney for Applicant(s)

March 20, 2002  
Date

ENZO DIAGNOSTICS, INC.  
c/o Enzo Biochem, Inc.  
527 Madison Avenue (9<sup>th</sup> Fl.)  
New York, New York 10022  
Tel. (212) 583-0100  
Attorney's Docket No.: Enz-58(D1)

| EXPRESS MAIL CERTIFICATE   |                            |
|--|----------------------------|
| "Express Mail" Label No.: <u>EL869104660US</u>   |                            |
| Deposit Date:  | <u>March 20, 2002</u>      |
| <p>I hereby certify that this paper and the attachments<br/>herein are being deposited with the United States<br/>Postal Service "Express Mail Post Office to<br/>Addressee" service under 37 CFR 1.110 on the date<br/>indicated above and is addressed to the<br/>Commissioner of Patents and Trademarks,<br/>Washington, D.C. 20231</p> |                            |
| <br>Ronald C. Fedus<br>Reg. No. 32,567  | <u>MAR 20 2002</u><br>Date |

Enz-58(D1)